

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

kp7299/MP  
September 24, 2020  
9:00 AM

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IN RE:

Case No. 15-11940-CGM-13

ROBERT MARTINEZ &  
ESTHER MARTINEZ,

Hon. CECELIA G. MORRIS

Debtors.  
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**AMENDED NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Cecelia G. Morris, Chief U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at One Bowling Green, New York, NY 10004-1408, on the 24th day of September, 2020 at 9:00 AM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. §1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York  
September 9, 2020

s/ Krista M. Preuss  
Krista M. Preuss, Chapter 13 Trustee  
399 Knollwood Road, Ste 102  
White Plains, NY 10603  
(914) 328-6333

UNITED STATES BANKRUPTCY COURT  
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IN RE:

ROBERT MARTINEZ &  
ESTHER MARTINEZ,

**CERTIFICATE OF SERVICE  
BY MAIL**

Debtors.  
-----x

This is to certify that I, Michelle Puma, have this day served a true, accurate and correct copy of the within Amended Notice of Motion by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

ROBERT MARTINEZ  
928 BALCOM AVE  
BRONX, NY 10465

ESTHER MARTINEZ  
928 BALCOM AVE  
BRONX, NY 10465

DAVID J. BABEL, ESQ.  
2525 EASTCHESTER ROAD  
BRONX, NY 10469

MELISSA DICERBO,ESQ.  
MCCABE, WEISBERG & CONWAY, LLC  
ATTORNEYS FOR SECURED CREDITOR  
145 HUGUENOT STREET  
SUITE 210  
NEW ROCHELLE NY 10801

MELANIE A. SWEENEY, ESQ.  
DAVID A. GALLO & ASSOCIATES LLP  
95-25 QUEENS BOULEVARD  
11<sup>TH</sup> FLOOR  
REGO PARK NY 11374

NICOLE C. GAZZO, ESQ.  
GROSS POLOWY, LLC  
1775 WEHRLE DRIVE  
SUITE 100  
WILLIAMSVILLE NY 14221

This September 9, 2020  
s/Michelle Puma  
Michelle Puma, Clerk  
Office of the Standing Chapter 13 Trustee  
Krista M. Preuss, Esq.  
399 Knollwood Road, Suite 102  
White Plains, NY 10603  
(914) 328-6333

